

PES-0048

**REMARKS**

Claims 1 – 42 are pending in the present Application. Claims 1 and 12 – 42 have been cancelled, Claims 2 – 10 have been amended, and Claims 43 – 70 have been added, leaving Claims 2 – 11 and 43 – 70 for consideration upon entry of the present Amendment.

Claims 3 and 4 have been amended merely to place those claims in independent form.

Claims 2 and 5 – 10 have merely been amended to depend from Claim 3.

Claims 43 – 70 have been added to further claim the present invention. Support for these new claims can at least be found in originally filed Claims 1 – 11, as well as on Page 13, lines 1 – 18, and/or on Page 20, lines 3 – 7.

No new matter has been introduced by these amendments. Reconsideration and allowance of the claims is respectfully requested in view of the above amendments and the following remarks.

It is noted that both the Restriction Requirement as well as the election list Claim 12 in both Group I and Group II. Since Group I is directed to an electrochemical cell while Group II is directed to a pressure pad, Claim 12 properly belongs with Group II. Therefore, Claim 12 has been withdrawn as non-elected. Additionally, it is assumed that the rejections of Claim 12 were typographical errors.

Claim Rejections Under 35 U.S.C. § 102(e) and 35 U.S.C. § 102(b)

Claims 1, 5 – 11 stand rejected under 35 U.S.C. § 102(e) as allegedly anticipated by WO 00/39362 to Shiepe et al. Claims 1, 2, and 5 – 11 stand rejected under 35 U.S.C. § 102(b) as allegedly anticipated by U.S. Patent No. 5,324,565 to Leonida et al.

Claim 1 has been cancelled. Claims 5 – 11 as well as Claims 43 – 56 depend from allowable Claims 3 and 4 that have been placed in independent form. For at least this reason, Claims 5 – 11 and 43 – 56 are allowable, and these rejections are moot. Reconsideration and withdrawal of these rejections are respectfully requested.

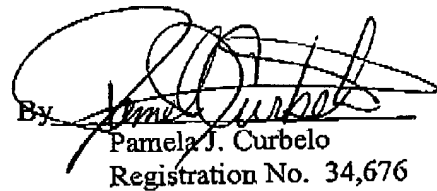
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It is believed that the foregoing amendments and remarks fully comply with the Office Action and that the claims herein should now be allowable to Applicants. Accordingly, reconsideration and withdrawal of the rejections and allowance of the case are respectfully requested.

If there are any additional charges with respect to this Amendment or otherwise, please charge them to Deposit Account No. 06-1130.

Respectfully submitted,

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